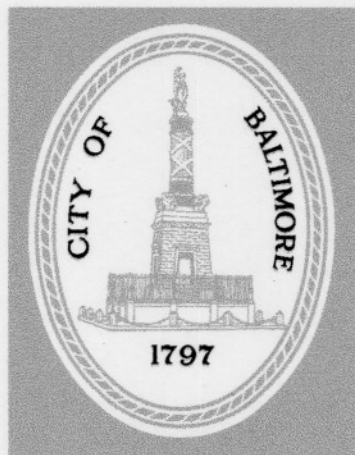

CITY OF BALTIMORE
HEALTH DEPARTMENT
DIVISION OF ENVIRONMENTAL HEALTH
BUREAU OF FOOD CONTROL
FOLLOW-UP REVIEW
MAY 2007



City of Baltimore
Department of Audits

Results of Follow-up Review

Enforcement Efforts

Finding #1

Food service facilities were operating with expired licenses and without documentation of an employed Certified Food Service Manager. Renewal fees and late fees were not properly assessed.

We recommended that Food Control increase its enforcement efforts to ensure that all food service facilities are licensed, employ a Certified Food Service Manager (CFSM) when required, and are in compliance with City and State regulations. Food Control should also revoke or suspend licenses or immediately close any food service facilities determined to be in violation of City and State regulations. We also recommended that Food Control assess late fees, in accordance with the City Code, when licenses expired.

Food Control responded that it would mail renewal notices by the fifth of the month to those facilities with licenses expiring at the end of the month and that it would seek to have the City Code amended as it pertains to late fees. Food Control also said it would work with the BCHD Information Technology (IT) staff to develop a listing of facilities without CFSMs and would instruct its sanitarians to direct these facilities to obtain such certification.

Follow-up Results

Food Control has partially resolved this finding. The Bureau has a database which tracks the issue and expiration dates of food licenses and the fees paid to obtain them, including applicable late fees. City Ordinance 06-185, approved on February 2, 2006, instituted a new policy for late fees. The database now tracks the CFSMs at the food service facilities and the issue and expiration dates of their certificates, which are valid for three years. If a sanitarian notes in the course of an inspection that a food service facility required to have a CFSM is operating without one, or with an expired certificate, the facility is directed to correct the situation.

The problem of some food service facilities operating without a CFSM still remains. In a sample of 35 facilities, there were 22 required to have a CFSM as a high or moderate risk food service facility. Eight of these 22 did not have a CFSM listed in the database, and the sanitarians generally reported this as a violation during their inspections. We recommend that Food Control implement a procedure, short of suspension or closure, to enforce the required certification, perhaps through the imposition of a fine.

Finding #1: Food Control's Response and Corrective Action

Response

Sanitarians from Food Control request proof in the course of their inspections that food service facilities required to have a CFSM do, in fact, have one. As noted by the audit team, sanitarians report the operator on the inspection violation notice for the lack of a CFSM.

The continuous turnover in facility staff for many operators also results in a lack of a CFSM for a facility. Operators are made aware that a replacement CFSM must be hired immediately. Because of the high turnover in the restaurant industry, the Bureau recommends to all owner/operators that becoming the CFSM is beneficial and removes concerns of replacing employees who leave. Many owner/operators have moved forward with this advice and now act as the facility's CFSM.

Another obstacle has been the availability of multi-lingual food manager classes. While classes for foreign-born speakers are available, the frequency of the classes does not match the frequency and locations available to English speakers.

Corrective Action

With the development of an appropriate query in the Bureau's current database that allows the listing of facilities without CFSMs, Food Control is now calling in owners of establishments lacking a CFSM for a hearing in order to ensure that such establishments take steps to meet the requirement. If an establishment still does not comply with the requirement for a CFSM, the owner will be issued a citation as appropriate. Food Control is also working with various food service and grocery associations to assist food service operators in meeting the requirement for a CFSM. This corrective action has been implemented for all new establishments and will be applied as needed to all current CFSMs at the time their certification is due to expire.

Finding #2

Policies and procedures that address enforcement processes were not documented.

We recommended that Food Control fully and formally document its policies and procedures for Plan Reviews, inspections, re-inspections, compliance violations, and other enforcement processes. These written Standard Operating Procedures should be based on the requirements of the City Code and State regulations and guidelines.

Food Control responded that it had Standard Operating Procedures that covered every aspect of the operating procedures of the Bureau of Food Control, but this documentation did not cover all aspects of the Bureau's procedures in a comprehensive fashion.

Follow-up Results

Food Control has resolved this finding. Food Control has issued a Standard Operating Procedures Manual, which documents its policies and procedures for Plan Reviews, applications for licenses, inspections and re-inspections, compliance violations, and other enforcement processes. Food Control has procedures in place to ensure that the manual will be kept current.

Finding #3

City Sanitarians have not been standardized to ensure the uniform application of City and State regulations and the uniform performance and documentation of inspections.

We recommended that Food Control implement the State's standardization program to ensure uniformity in the understanding and interpretation of laws and regulations, in the performance and documentation of inspections, and in enforcement activities.

Food Control responded that the State did not specifically mandate the requirement but that the Bureau would undertake to train six sanitarians a year starting with fiscal year 2006.

Follow-up Results

Food Control has resolved this finding. The Bureau completed its standardized training of six sanitarians for fiscal year 2006, and all have received the State certification documenting the completion. Standardization has begun for an additional six sanitarians during the 2007 fiscal year.

Finding #4

The internal automated information system was not being fully utilized to provide information regarding enforcement activities, and financial and performance measurement data.

We recommended that Food Control, in conjunction with the BCHD IT staff, fully utilize its internal automated environmental inspection information system to provide information for operational and financial requirements and to generate reports to address management's specific needs. This system is capable of providing information that will not only enable management to closely monitor enforcement and financial activities, but to also plan its resources to achieve optimal benefits.

Food Control responded that a number of the reports recommended by Audits were already being compiled for CitiStat reporting and that the IT staff could draw upon the database to produce additional reports to summarize inspection history and violations noted therein, to develop standards of productivity for inspection and support services, and to summarize revenue collections.

Follow-up Results

Food Control has resolved this finding in part. There are reports which detail inspections by sanitarian and by category of risk (high, moderate, or low) of the food service facility; there is a record of inspections performed at each facility and of the number of violations and whether they were major or minor. The database also contains the licensing fee and any other fees paid, such as late fees and re-inspection fees. If a facility has a CFSM, the database lists the name of the manager and the expiration date of his or her certificate.

There remain areas in which the database could be improved and its value to Food Control enhanced. An edit process for the various date fields would eliminate erroneous entries; e.g., there were four food facilities with permit issue dates ranging from May 25, 2205 to May 21, 9200 (sic). The fields relating to CFSM include both the issue date and the expiration date of the manager's certificate, but in many cases the issue date is blank. An edit would catch this when the dates are inputted. As noted in Finding #1, a number of facilities required to have CFSMs are still operating without them; however, the current report listing such facilities is only provided in a format that does not allow sorting by assigned sanitarian, or census tract, or other data that would allow for better follow-up by Food Control.

The license fee charged a facility varies with the degree of risk of the facility, but the database contains facilities which have license fees recorded for them which do not correspond to their degree of risk. One facility paid for a permit as low risk and was recorded as such on Food Control's electronic spreadsheet of revenues (see Finding #8), but its record in the database lists the fee paid as \$450 for high risk, while still rating it as low risk. A second facility paid \$450 for a permit as high risk and was recorded as such on Food Control's electronic spreadsheet, but the fee recorded for it in the database was \$550. A third facility also paid \$450 for a permit as high risk, but the fee was listed as \$550 on the electronic spreadsheet and as \$555 in the database, resulting in three different fees in Food Control records for the same facility. Integration of the data in the database, in the electronic spreadsheet, and on the permit itself would enhance the usefulness and the reliability of a unified information system.

Finding #4: Food Control's Response and Corrective Action

Response

In regard to the establishments with fees not matching their degree of risk, in two cases the fee in the database reflected a previous degree of risk that was no longer applicable. In the third case, the fee of \$555 entered in the database for the facility with three different fees was a typographical error, and its fee of \$550 on the spreadsheet reflected

its prior risk rating. Each of these three facilities was moving to a lower degree of risk. One facility had sharply reduced the scale of its food service operation, and the other two facilities had eliminated catering service while maintaining the remainder of their food service operations.

Corrective Action

Food Control is continuing to update and fully integrate its database to enhance its value as a management tool. An edit process will verify that date entries are proper and that the fee entered for a facility agrees to the degree of risk applicable to the facility. Fields will also be added to the database as needed; e.g., automated input of census tract numbers that allows consistent assignment of facilities to sanitarians for proper follow-up. The IT staff of the BCHD is working to develop a newly configured database; completion is expected within ninety days.

Finding #5

Regulatory inspections for food service facilities were not performed in accordance with the frequency specified by City and State regulations.

We recommended that Food Control perform timely routine inspections of food service facilities to enforce compliance with the City and State regulations.

Food Control responded that it strove to comply with inspection mandates and, in all cases but one, it had inspected or attempted to inspect the facilities in question.

Follow-up Results

Food Control has partially resolved this finding. The database has a detailed history of inspections by facility, which includes type of inspection and the number of major and minor violations found, if any. However, certain facilities did not have inspections as frequently as mandated. One of two high risk facilities had three inspections in 2005 but none in 2004; the other had two inspections in 2005 but entry could not be gained for the third inspection. One moderate risk facility had only one inspection per year instead of the required two inspections per year in 2005. Two moderate risk facilities were each inspected only once during 2004. There was one low risk facility not inspected within the two years from January 1, 2004, through December 31, 2005. Three food carts were also not inspected within these two years, although they are required to be inspected annually.

Finding #5: Food Control's Response and Corrective Action

Response

One of the two high risk facilities and the low risk facility in question were subject to inspection by a different unit within the Division of Environmental Health through 2003. When Food Control undertook responsibility for these inspections in 2004, the high risk

facility and the one low risk facility were not transferred into the database with those facilities assigned to Food Control. The high risk facility did, however, receive three inspections in 2005, indicating that it was now properly a part of the population of facilities subject to inspection by Food Control. In several instances, sanitarians were unable to gain access to a food facility because it was not open.

Corrective Action

The enhancement of the database discussed under Finding #4 will provide better tracking of inspection schedules and will minimize the risk of any establishment being overlooked on the schedule.

In June of 2006, Food Control instituted an annual inspection of all food carts. At the inception of the Bureau, food carts were not inspected even upon initial application, but only upon complaint. In 2001, the process progressed and food carts were then inspected upon initial application and upon complaint.

The Bureau is also adjusting its staff hours to allow for inspections during evening hours of those facilities only open at that time. With this adjustment of staff hours, implementation of corrective action has begun; it will be completed with the implementation of the corrective action applicable to the database, as stated in Finding #4.

Finding #6

Plan Reviews for food service facilities were not performed in accordance with City and State regulations.

We recommended that Food Control perform and properly document the Plan Reviews of food service facilities in accordance with City and State regulations. We also recommended that Food Control develop a checklist of Plan Review requirements to ensure that the review was performed and that food service facilities submitted the required information. This checklist should be signed by the employee performing the review and approved by Food Control management. Additionally, we recommended that Food Control deny or revoke licenses to facilities whose submitted plans were incomplete and/or did not meet the hazard analysis requirements.

Food Control responded that Plan Review reports were being provided to the sanitarians to assist in follow-up on any information which was missing from new facilities, including Hazard Analysis Critical Control Point (HACCP) plans.

Follow-up Results

Food Control has partially resolved this finding. There are copies of Plan Review reports in the files, and these reports indicate when a facility must submit a HACCP plan and menus and equipment lists. In our follow-up, for the period of January 1, 2004 to March

31, 2006, the 10 facilities which were either newly established or under new ownership had the requisite Plan Review documentation on file, except for HACCP plans. Eight of the 10 facilities were high or moderate risk and therefore were required to have HACCP plans, but four of these eight facilities lacked such plans.

Finding #6: Food Control's Response and Corrective Action

Response

Letters were sent to those facilities without HACCP plans on file, advising them that they would be closed down if they failed to submit these plans. Food Control now has HACCP plans on file for the four facilities identified by the audit team.

Corrective Action

An experienced environmental sanitarian now meets one-on-one with the party responsible for kitchen operations in each new food facility subject to the requirement to submit a HACCP plan. The sanitarian takes several hours reviewing menus and guiding the operator on HACCP plan preparation to ensure that the facility will have an approved HACCP plan implemented to provide for proper food sanitation. Food Control is also working with food service and grocery associations (see Finding #1) to assist food service operators in understanding and meeting HACCP requirements. This corrective action has now been implemented.

Finding #7

Regulatory files that document the performance of inspections were incomplete and disorganized.

We recommended that Food Control maintain adequate documentation in the regulatory files to support the performance of inspections, verification of valid licenses, and certifications of food service managers. We also recommended that Food Control organize and secure file documents in the regulatory file folders so that information can be easily accessible to staff who use the files regularly.

Food Control responded that it was implementing a new filing system, with a check-off form to alert staff of missing documentation. Management was also conducting random reviews of the files to assure they were complete and organized. Furthermore, a pilot project using electronic pen technology was being initiated to create an electronic database.

Follow-up Results

Food Control has resolved this finding. The files of the facilities which we looked at were well organized and had a check-off form as an aid in tracking documentation. The pilot project using electronic pen technology is currently being implemented.

Accounting and Administrative Control Environment

Finding #8

Review and reconciliation of Food Control's revenue records with the City's accounting records were not routinely performed.

We recommended that revenue collections (license and non-license) recorded in Food Control's records (e.g., Microsoft Excel spreadsheet and miscellaneous receipt book) be independently reviewed and reconciled to the City's accounting records to ensure that all collected revenues had been deposited and correctly recorded in the City's accounting records. Employees who do not collect, process, and record transactions should perform this reconciliation on a monthly basis. This reconciliation should be reviewed and approved by Food Control management personnel. We also recommended that the number of licenses issued daily per the database system be agreed to the number of licenses recorded in the daily collections records.

Food Control responded that the BCHD Fiscal Office was independently reviewing revenue collections and reconciling them to the City's accounting records. In addition, Food Control was undertaking internal monitoring of its revenue records, to include manual reconciliation of them to its electronic spreadsheet.

Follow-up Results

Food Control has partially resolved this finding. A spreadsheet is prepared on a daily basis, listing the detail of the revenues received that day from the issuance or renewal of licenses, including any applicable late fees. However, there are certain problems which impede the process of reconciling these revenues to the City's accounting records. The renewal fee paid and recorded on the permit itself does not always agree with the fee as recorded on the spreadsheet (see Finding #4); and certain permit fees not related to food service facilities, such as fees for tattoo parlors, are included in the food service revenues on the City's accounting records but not on the electronic spreadsheet.

Finding #8: Food Control's Response and Corrective Action

Response

Food Control has determined that the discrepancies between the fee paid with the issuance of the permit and the fee recorded on the spreadsheet or in the database arose from changes in the level of risk of the facilities in question at the time they renewed their food permits (see Finding #4). Food Control has also determined that the number of permits it issues for establishments not involved in food service is limited; e.g., there are only eleven permits for tattoo parlors.

Corrective Action

Full integration in the database (see Finding #4) of all data fields relating to a given food facility should eliminate discrepancies between fees paid and fees recorded for the facility's permit. Given that there are few permits issued by Food Control for other than food service facilities, these few can be isolated on an individual basis when paid. The improvements to the database and the specific identification of non-food service permits will simplify the process of reconciling Food Control's revenue records with the City's accounting records. The addition of a field for the permit validation date to the database will assist in reconciling Food Control's record of revenues with the City's records, because the posting of permit fees to the City's accounting records is done based on the date the permits are validated by the City's cashiers in the Department of Finance, Bureau of Treasury Management.

This corrective action will begin upon implementation of the new database system that will allow the addition of the date of permit validation to the spreadsheet; this, in turn, should enable reconciliation to the City's accounting records within sixty days, and on a monthly basis thereafter.

Finding #9

License and non-license revenue checks retained overnight were not adequately safeguarded and were not promptly deposited.

We recommended that Food Control immediately restrictively endorse all checks and ensure the prompt deposit of all Food Control revenues.

Food Control responded that it was restrictively endorsing all checks and that all revenues were being deposited on a daily basis.

Follow-up Results

Food Control has resolved this finding. Checks are restrictively endorsed, and deposits are made on a timely basis. Food Control brings revenues received and permits issued for each day to the City's cashiers in the Department of Finance, Bureau of Treasury Management. Here, the revenues are batched for deposit with all other revenues received by the City, and the permits are validated as proof of receipt and to ensure subsequent proper posting to the City's accounting records. It is possible that, even if Food Control brings its receipts to the City's centralized cashiering unit daily, the volume of all receipts received there on a given day may preclude Food Control's receipts being processed for deposit within a day.

When submitting the revenues and permits to the cashiering unit, Food Control picks up the permits previously validated by the cashiers and brings them back for filing under the permit number. The turnaround time is usually one day, but it may be longer depending on the volume of work being processed by the cashiers.